

Squitieri & Fearon, LLP
305 Broadway, 7th Floor
New York, New York 10007
Tel: 212.421.6492
Fax: 212.421.6553
www.sfclasslaw.com



Stephen J. Fearon, Jr.
stephen@sfclasslaw.com

June 21, 2023

BY ECF

Honorable Jesse M. Furman
Thurgood Marshall
United States Courthouse
Southern District of New York
40 Foley Square
New York, New York 10007

**Re: Ostenfeld v. The Laundress, LLC, 1:22-cv-10667 (JMF) and
Sites v. Unilever United States, Inc., 1:23-cv-04920 (JMF)**

Dear Judge Furman:

My firm represents Plaintiffs in the matter styled as *Ostenfeld v. The Laundress, LLC* (“*Ostenfeld*”). We submit this letter in response to the Court’s Order [ECF No. 21] requesting the Parties propose next steps for the matter styled as *Sites v. Unilever United States, Inc.* (“*Sites*”), including whether and how to incorporate *Sites* into the current briefing schedule in *Ostenfeld*.

The Parties agree that *Ostenfeld* and *Sites* should be consolidated, but we respectfully suggest that the complaints in the two actions remain separate. In *Ostenfeld*, the Defendant is The Laundress, LLC whereas in *Sites* the Defendant is Unilever United States, Inc. Moreover, *Ostenfeld* is a proposed class action while *Sites* is not. The parties in *Ostenfeld* propose to continue with the briefing schedule previously established for Defendant’s pending motions to dismiss and strike, which requires that Defendant’s reply briefs are due on July 3, 2023. [*Ostenfeld* ECF Nos. 17, 19].

Consolidating the cases but keeping the complaints separate will allow *Ostenfeld* to proceed as scheduled and will allow the Plaintiffs in *Sites* to control their litigation, but will otherwise avoid duplication of effort and will streamline the litigation for the Court and the Parties.

We propose that the Plaintiffs in *Sites* should determine, by or before July 7, 2023, whether they need to amend their complaint. If Plaintiffs do not amend, we propose that Defendant’s response to the *Sites* complaint should be due on July 21, 2023, and, if Defendant

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moves to dismiss, Plaintiffs' response be due on August 10, 2023 and Defendant's Reply be due on August 24, 2023.

We have discussed our position with counsel for Plaintiffs in *Sites* and with defense counsel (who represents the defendants in both cases) and we understand that they generally agree with our suggested approach. This letter is filed with Defendants' consent.

We are available to discuss this at the Court's convenience.

Respectfully submitted,

SQUITIERI & FEARON, LLP

By: Stephen J. Fearon
Stephen J. Fearon, Jr.
Counsel for Plaintiffs in *Ostenfeld*

cc: Counsel for the parties in *Sites*

Application GRANTED. It is hereby ordered that, pursuant to Rule 42(a)(2) of the Federal Rules of Civil Procedure, the cases are consolidated under case number 22-CV-10667. The Court agrees that briefing on the pending motion to dismiss can occur as scheduled, and adopts the proposed briefing schedule for responding to the *Sites* complaint. Unless and until the Court orders otherwise, all other deadlines, including the pretrial conference scheduled for **September 7, 2023, at 9:00 a.m.**, will proceed as scheduled.

The Clerk of Court is directed to terminate ECF No. 25; to consolidate 23-CV-4920 with 22-CV-10667 under case number 22-CV-10667; and to administratively close 23-CV-4920. **All future filings should be in 22-CV-10667.** The Clerk is further directed to docket this Order in 22-CV-10667 and 23-CV-4920.

SO ORDERED.



Jesse M. Furman

June 22, 2023